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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,293	06/10/2005	Johannes Hakansson	9563-35	1566
20792 7590 06/09/2009 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER				
HENN, TIMOTHY J				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/538,293

**Applicant(s)**

HAKANSSON, JOHANNES

**Examiner**

Timothy J. Henn

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 7,038,716) in view of Nakami (US 2003/0071903) in view of Yokokawa (US 2003/0063198).

**[claim 8]**

Regarding claim 8, Klein discloses a cellular phone (Figure 2) including an image sensor, a memory device and a transmitting unit (Figure 5). Klein further discloses that the memory can store a plurality of "applications" (c. 8, ll. 59-60), but does not explicitly disclose an image effects store and image editor as claimed.

Nakami discloses a system for applying image effects to captured images in which a plurality of image effects are stored in an image effects store (Figures 3 and 5) wherein an image editor is used to generate a new effect for application on digital images based on entries of a user and allowing storing of the effects in an effects file

(e.g. a PIM) in the image effects store in a defined standardized image editor independent effects format (Figure 5 and 7; Paragraphs 0062, 0077-0078; note that the effect is stored in a predetermined format which is useable by another machine to process the image data, i.e. the format is standardized between the camera and the printer). Therefore, it would be obvious to include an image effects store and image editor as described by Nakami so that the images captured by the phone of Klein can be processed according to the users wishes when transmitted to a printing device. However, while Nakami discloses selecting an effect to be applied to captured image data based on shooting condition (Figure 5), Nakami does not explicitly disclose that the same effect is used for multiple images.

Yokokawa discloses a camera which captures multiple images during different time periods (Figures 3A and 3B). Yokokawa further discloses that multiple shooting conditions may be used during image capture (Figures 7A and 7B). Therefore, it would be obvious to use the system of Klein in view of Nakami to capture multiple images as taught by Yokokawa so that images of multiple scenes over different days could be captured. It is noted that Yokokawa discloses that the same shooting conditions may be used during multiple different capture durations (Figure 7A, Condition 5). Following the teachings of Klein in view of Nakami, it would be obvious to select a common effect to be applied to these images (Nakami, Figure 5). It is further noted that the images from different shooting durations are not disclosed as being associated with each other by the system of Yokokawa.

**[claim 9]**

Regarding claim 9, while Nakami discloses a standardized format, Nakami does not explicitly disclose the use of XML. Official Notice is taken that the use of XML as a file format to define options such as the processing options of Nakami is well known in the art as a easily readable and configurable file format. Therefore, it would be obvious to use an XML file format for the effects files of Nakami since XML is easily readable and configurable.

**[claim 10]**

Regarding claim 10, Nakami discloses storing a file with parameter settings made by the user (Paragraphs 0083-0088).

**[claim 11]**

Regarding claim 11, Klein discloses a wireless transmitting unit (Figure 5, Radio).

**[claim 12]**

Regarding claim 12, Nakami discloses a matrix of calculations to be performed on an image (Figure 5).

**[claim 14]**

Regarding claim 14, Nakami discloses an image editor which is arranged to retrieve stored effects files from the image effect store and apply a new effect to the file (e.g. Paragraphs 0089-0096).

**[claims 1-5 and 7]**

Claims 1-5 and 7 are method claims corresponding to apparatus claims 8-12 and 14. Therefore, claims 1-5 and 7 are analyzed and rejected as previously discussed with respect to claims 8-12 and 14.

**[claim 15]**

Regarding claim 15, see claim 8 above.

**[claim 16]**

Regarding claim 16, see claims 1 and 8 and further note that the method described by Nakami may be implemented in a computer program stored on a computer readable medium (Paragraphs 0025 and 0026).

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 7,038,716) in view of Nakami (US 2003/0071903) Yokokawa (US 2003/0063198) in view of Moghadam et al. (US 5,913,088).

**[claim 13]**

Regarding claim 13, Klein in view of Nakami discloses creating effects to be applied to images, but does not disclose applying the effect prior to saving. Moghadam discloses a similar system in which an image effect to be applied to an image is previewed by the user (c. 3, ll. 21-43) prior to associating the effect with the image. Therefore, it would be obvious to create a preview of the effect of Klein in view of Nakami prior to storing as taught by Moghadam so that the user is able to preview the results of the effect.

**[claim 6]**

Claim 6 is a method claim corresponding to apparatus claim 13. Therefore, claim 6 is analyzed and rejected as previously discussed with respect to claim 13.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/  
Primary Examiner, Art Unit 2622